

REMARKS

Applicant submits a Petition and Fee for a Three-Month Extension of Time, along with a Excess Claim Fee Payment Letter for three (3) excess total claims.

Claims 1-27 are all the claims presently pending in the application. Claims 25-27 have been added. Claims 1, 2, 4, 7 and 9-24 have been amended to more particularly define the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 17-24 stand rejected under 35 USC 101 as being alleged directed to non-statutory subject matter. Applicant notes that these claims have been amended to recited a "programmable storage medium" and therefore, these claims are clearly directed to statutory subject matter. In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

In addition, Applicant notes that claims 17-24 are not subject to a prior art rejection and therefore, are in condition for immediate allowance.

Claims 1-16 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Penny, Jr. (US Pat. No. 6,070,050).

This rejection is respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g., as recited in **claim 1**) is directed to a terminal device including means for receiving as input a destination of a message that is to be transmitted and a position at which the message is to be received, and means for appending to the message position information that indicates the position that has been received as input (Application at page 14, lines 3-10).

Another exemplary aspect of the claimed invention (e.g., as recited in **claim 3**) is directed

to a terminal device including position-acquisition means for receiving a position request from a server device and then acquiring a position, and a position information transmission means for transmitting position information that has been acquired by the position-acquisition means to the server device (Application at page 15, line 14-20).

Another exemplary aspect of the claimed invention (e.g., as recited in **claim 4**) is directed to a server device for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is the transmission destination. The server device includes message storage means for, upon receiving a message that has been transmitted from a terminal device that is a transmission origin, storing the message that has been received, position request means for extracting a destination address and position information from a message that has been stored in the message storage means and submitting a position request to the terminal device that is the transmission destination that is indicated by the destination address, and message management means for transmitting the message to the terminal device that is the transmission destination when position information that has been appended to the message matches with position information from the terminal device that is the transmission destination that has been transmitted in response to the position request (Application at page 15, line 21-page 16, line 8).

Conventionally, in order to transmit a message (e.g., a message that is associated with a specific location), the sender must check the current position of the recipient and then transmit the message (Application at page 2, lines 23-26).

An exemplary aspect of the claimed invention, on the other hand, includes means for appending to the message position information that indicates the position that has been received as input (Application at page 14, lines 3-10), and another exemplary aspect includes a position information transmission means for transmitting position information that has been acquired by the position-acquisition means to the server device (Application at page 15, line 14-20), and another exemplary aspect includes message management means for transmitting the message to the terminal device that is the transmission destination when position information that has been appended to the message matches with position information from the terminal device that is the

transmission destination that has been transmitted in response to the position request (Application at page 15, line 21-page 16, line 8). These features help to allow a sender of a message to designate the position of receiving the message (Application at page 3, lines 18-25).

II. THE ALLEGED PRIOR ART REFERENCE

The Examiner alleges that Penny, Jr. teaches the claimed invention of claims 1-16. Applicant submits, however, that there are features of the claimed invention that are not taught or suggested by Penny, Jr.

Penny, Jr. teaches a global message delivery system 100 which transmits messages to messaging devices 130 using a plurality of satellites 110. The system use an Opportunity Table 600 which identifies for a future period of time which logical delivery area will be covered by which satellite beams (Penny, Jr. at Abstract; col. 5, lines 7-29).

However, Applicant submits that Penny, Jr. does not teach or suggest "*means for appending to said message position information that indicates said position that has been received as input*", as recited, for example, in claims, 1, 9 and 17, or "*a position information transmission means for transmitting position information that has been acquired by said position-acquisition means to said server device*", as recited for example, in claims 3, 11 and 19, or "*message management means for transmitting the message to said terminal device that is the transmission destination when position information that has been appended to said message matches with position information from said terminal device that is the transmission destination that has been transmitted in response to said position request*", as recited, for example, in claims 4, 5, 6, 8, 12-14, 16, 20-22 and 24. As noted above, these features help to allow a sender of a message to designate the position of receiving the message (Application at page 3, lines 18-25).

Clearly, these features are not taught or suggested by Penny, Jr.

Indeed, with respect to claim 1, the Examiner attempts to rely on Figure 2 and col. 6, lines 21-25 to support his position. However, this passage simply states that "FIG.2 indicates that to determine LDAs adjacent to LDA 204 (R74,P262), one only needs to add or subtract one to a

row number (yielding R75 and R73) and/or add or subtract one from the position number". Nowhere does this passage or Figure 2 even teach or suggest a message, let alone appending position information to such a message.

In fact, Penny, Jr. simply teaches that a destination device's location is identified simply by referring to an Opportunity Table 600 which is stored in the control center 117 and identifies which LDAs will be covered by which satellite beams (Penny, Jr. at col. 5, lines 7-9). That is, Penny, Jr. has nothing to do with appending position information to a message.

With respect to claim 3, on page 6 of the Office Action, the Examiner appears to be attempting to equate the messaging device 130 in Penny, Jr. with the terminal device of the claimed invention, and attempts to equate the control center 117 in Penny, Jr. with the server device of the claimed invention. However, as noted above, Penny, Jr. simply teaches storing an Opportunity Table 600 at the control center 117. Nowhere does Penny Jr. teach or suggest that the messaging devices 130 include a position acquisition means, let alone a position information transmission means for transmitting position information that has been acquired by the position-acquisition means to the control center 117. Therefore, Penny, Jr. clearly does not teach or suggest this feature of the claimed invention.

With respect to claim 4, as noted above, the Examiner attempts to equate the control center 117 with the server device of the claimed invention. However, nowhere does Penny, Jr. teach or suggest that the control center 117 generating a position request. Therefore, Penny, Jr. certainly does not teach or suggest that control center 117 includes a message management means for transmitting the message to the terminal device that is the transmission destination **when position information that has been appended to the message matches with position information from the terminal device that is the transmission destination that has been transmitted in response to a position request.** Therefore, Penny, Jr. clearly does not teach or suggest this feature of the claimed invention.

Therefore, Applicant submits that there are features of the claimed invention that are not taught or suggested by Penny, Jr.. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

The Title has been amended to address the Examiner's objections thereto.

In view of the foregoing, Applicant submits that claims 1-27, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

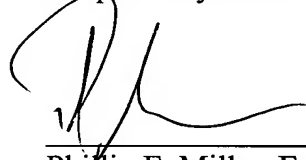
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

To the extent necessary for submitting this response, Applicant hereby petitions for an extension of time under 35 C. F. R. 1.136. The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: _____

1/10/08

Respectfully Submitted,



Phillip E. Miller, Esq.
Registration No. 46,060

McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254